

Alabama, Arkansas, Georgia, Mississippi, North Carolina, Oklahoma, and South Carolina. Alligator populations in these seven States are relatively stable and the alligator's distribution throughout these seven States is limited largely by habitat suitability. Reclassification would reduce restrictions on States for future management and research. Any proposed harvests would have to comply with the Service's special rule on American alligators and existing State statutes and regulations.

In July, 1975, the American alligator was listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As a general rule, exports of animals and plants listed in Appendix II of CITES may occur only if a Scientific Authority (SA) has advised a permit-issuing Management Authority (MA) that such exports will not be detrimental to the survival of the species, and if the MA is satisfied that the animals or plants were not obtained in violation of laws for their protection. Since 1977, the rulemaking procedure has been employed on making findings of nondetriment for the export of American alligators from those States that have requested and received program approval.

**DATE:** The effective date of this rule is July 6, 1987.

**ADDRESS:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Endangered Species Field Office, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 316, 300 Woodrow Wilson Avenue, Jackson, Mississippi 39213.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dennis B. Jordan at the above address (601/965-4900 or FTS 490-4900).

**SUPPLEMENTARY INFORMATION:**

**Background**

The American alligator (*Alligator mississippiensis*) is a large reptile that inhabits wetland areas in all or parts of the following States: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas. The alligator is a member of the Crocodylia, a group of reptiles that has remained relatively unchanged since it evolved some 180-200 million years ago (Murphy 1982). It is one of only two extant species (Chinese alligator and American alligator) of the genus *Alligator*, and it has significant scientific and commercial value. The American alligator's historic and present range are similar (Murphy 1982), although current populations are

probably more disjunct due to habitat modification.

Management of alligators has improved markedly in recent years through the activities of Federal agencies, States, and private groups. Major contributions to the species recovery have been made by the Florida Game and Fresh Water Fish Commission, the Louisiana Department of Wildlife and Fisheries, the North Carolina Wildlife Resource Commission, the South Carolina Department of Wildlife and Marine Resources, and the Texas Department of Parks and Wildlife. Many State and private institutions and organizations have also made significant contributions. Because of these activities, the American alligator is no longer biologically endangered or threatened.

The alligator was first classified as endangered throughout its range in 1967 due to concern over poorly regulated or unregulated harvests. Subsequently, the alligator recovered rapidly in many parts of its range due to response to Federal and State protection, enabling the Service to undertake the following reclassification actions: (1) Reclassification to threatened due to similarity of appearance in three coastal parishes of Louisiana, reflecting complete recovery (September 26, 1975—40 FR 44412); (2) reclassification to threatened, reflecting partial recovery in all of Florida and certain coastal areas of South Carolina, Georgia, Louisiana, and Texas (January 10, 1977—42 FR 2071); (3) reclassification to threatened due to similarity of appearance, reflecting complete recovery in nine additional parishes of Louisiana (June 25, 1979—44 FR 37130); (4) reclassification to threatened due to similarity of appearance in 52 parishes in Louisiana, reflecting complete recovery (August 10, 1981—46 FR 40664); (5) reclassification to threatened due to similarity of appearance in Texas, reflecting complete recovery (October 12, 1983—48 FR 46332); (6) reclassification to threatened due to similarity of appearance in Florida, reflecting complete recovery (June 20, 1985—50 FR 25672).

Presently the species is classified as threatened due to similarity of appearance in Florida, Louisiana, and Texas. These three States contain the majority of American alligator habitat; approximately 12,000,000 acres (4,858,299 hectares) or 83 percent of the total for the species. Alligators are classified as threatened or endangered in Georgia and South Carolina, and endangered in Alabama, Arkansas, Mississippi, North Carolina, and Oklahoma.

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Reclassification of the American Alligator to Threatened Due to Similarity of Appearance Throughout the Remainder of Its Range**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service reclassifies the American alligator (*Alligator mississippiensis*) throughout the remainder of its range, where the species was classified as endangered or threatened, to threatened due to similarity of appearance under provisions of the Endangered Species Act of 1973, as amended. The Service is amending the special rule on American alligators to reflect species-wide reclassification to threatened due to similarity of appearance. This rule is based on evidence that the species is no longer biologically endangered or threatened. Alligator populations in Texas, Louisiana, and Florida have already been reclassified. This rule deals with alligator populations in

The Service was petitioned by the State of South Carolina on July 27, 1984, to reclassify the American alligator in South Carolina, to a category of threatened due to similarity of appearance. Data submitted in support of the petition indicate that alligator populations in South Carolina are disjunct, but stable. Studies in Georgia (Ruckel 1984a, 1984b, and 1984c), North Carolina (Doerr 1983), Mississippi (Lewis 1984), and Alabama (Chabreck 1980, 1984) indicate similar population characteristics to those in South Carolina: populations are stable, disjunct, and limited to areas with suitable habitat. Comprehensive data are not available for Arkansas and Oklahoma, although population characteristics should be similar to peripheral populations in other States. These data, in addition to findings in Florida (46 FR 40664), Texas (42 FR 2071), and parts of Louisiana (44 FR 37130), indicate that the alligator is neither endangered nor likely to become endangered within the foreseeable future. Therefore, the Service is reclassifying populations currently listed as endangered or threatened, into the category of threatened due to similarity of appearance. This action results in a rangewide designation of the American alligator as threatened due to similarity of appearance. Specifically, the change affects the alligator's status in Alabama, Arkansas, Georgia, Mississippi, North Carolina, Oklahoma, and South Carolina, States which contain approximately 17 percent of the species' total habitat. This action formally recognizes that the American alligator is no longer biologically threatened or endangered, but supports a need for continued Federal controls on taking and commerce to insure against excessive taking and to continue necessary protections to the American crocodile (*Crocodylus acutus*) in the U.S. and foreign countries, and other endangered crocodilians in foreign countries.

#### Summary of Comments and Recommendations

In the June 2, 1986, proposed rule (50 FR 19760) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, County governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published on June 15, 1986, in the *News and Courier*, Charleston, South Carolina; in the *Atlanta Constitution*, Atlanta, Georgia on June

15, 1986; in the *News and Observer*, Raleigh, North Carolina on June 18, 1986; in the *Clarion-Ledger*, Jackson, Mississippi on June 20, 1986; in the *Mobile Press Register*, Mobile, Alabama on June 30, 1986; in the *Daily Oklahoman*, Oklahoma City, Oklahoma on June 22, 1986; and in the *Arkansas Gazette*, Little Rock, Arkansas on June 15, 1986. Ten comments were received from ten parties. A public hearing was not requested, and none was held.

Seven comments were received in support of the proposal from the States of Arkansas, North Carolina, Georgia, Louisiana, and Oklahoma; one Federal agency; and one wildlife organization. Two wildlife organizations and one individual disagreed with parts of the proposal. The Service has combined non-concurring comments into common issues where possible and responded to those which have a bearing on the reclassification proposal.

**Issue 1:** Section 7 is the key to ensuring alligator habitat preservation in areas where such habitat is not widespread. Response—Section 7 has not been a significant tool in protecting alligator habitats because few projects authorized, funded, or carried out by Federal agencies have jeopardized the alligator's continued existence. The Service recognizes that certain development plans may have been altered specifically to avoid a jeopardy situation, and that these alternative plans may have, in part, protected certain amounts of alligator habitat. However, the Service believes that provisions in section 7 of the Act have not contributed significantly to the improved status of the American alligator, but rather, that the improved status of this species is almost entirely due to strict control of take (see "Background" section).

**Issue 2:** Until the Service can provide additional data that conclusively demonstrates a stable or increasing population in Arkansas, North Carolina, and Oklahoma, there should be no change in status. Response—The American alligator is on the periphery of its range in Arkansas, North Carolina, and Oklahoma, and populations in these states represent less than one percent of the species' total range (based on amount of occupied habitat). Because these areas represent a small fraction of the alligator's total range, and because populations of most species fluctuate naturally along the periphery of their range (e.g., peripheral populations fluctuate because they are often at their environmental limits, and even slight environmental changes, including natural ones, can result in population

changes), the Service believe that populations in Arkansas, North Carolina, and Oklahoma have little bearing on the status of the species as a whole. The Service has based this rule on the best available data, as required by the Endangered Species Act. These data, as a whole, indicate the alligator is neither in danger of extinction, nor likely to become so in the foreseeable future. Therefore, the Service has determined that it is now prudent to treat all alligators similarly wherever they occur.

**Issue 3:** The desire to expand commercial hunting of alligators is one reason why the Service proposed the reclassification. The commenter further contends that the purpose of having a wildlife species recover from endangered status is to save the species for biological and ecological reasons, but not to provide hunters, or other commercial interests with further opportunities to kill wildlife. Response—The Service is undertaking the reclassification based solely upon the evidence cited in this rule. Any commercial hunting of alligators will be approved and regulated by each individual State in its management of this species in compliance with the Service's special rule on alligators.

The export of alligator hides, meat, and parts is regulated under Article IV of CITES which requires that an export permit for any specimen included in Appendix II shall only be granted when certain findings have been made by the SA and MA of the exporting country.

**Issue 4:** Most references cited by the Service in its proposed rule are unpublished manuscripts and are not readily available for critical examination by the scientific community; thus, the quality and validity of these data cannot be evaluated easily or at all. Response—It is true that many of the data available on alligators are unpublished. However, those materials which have a bearing on this proposal are on file at the Service's Jackson, Mississippi Endangered Species Field Station and are available for inspection.

**Issue 5:** The most prudent action the Service can adopt in this matter is to move more slowly toward reclassification of the status of the alligator in the geographic areas covered by this proposed rule. Response—The Service has moved very slowly with partial reclassification actions (by area) beginning on September 26, 1975—50 FR 19760, a period of almost 11 years. The Service believes that it is no longer necessary to treat various alligator populations differently and that

additional time in making this rule will be of no value to the species.

**Issue 6:** The Service should add a paragraph to the American alligator special rule (50 CFR 17.42(a)(2)(i)(A)(4)) that would require reporting, to the Director of the Fish and Wildlife Service, any taking of an American alligator that constitutes a demonstrable but non-immediate threat to human safety. Response—The Service believes that State programs are and will continue to be effective in controlling take of American alligators, and that their recording systems are sufficient to track the taking of problem alligators. Therefore, the Service believes that State programs are sufficient to minimize indiscriminate removal of alligators.

#### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the American alligator should be reclassified to a category of threatened by similarity of appearance. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424) were followed. A species may be delisted or reclassified due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the American alligator (*Alligator mississippiensis*) in Arkansas, Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Oklahoma are as follows:

**A. The present or threatened destruction, modification, or curtailment of its habitat or range.** Albemarle Sound in North Carolina is the approximate northern limit for alligators (Doerr 1983). From this point and south through the State of South Carolina, the principal habitat for the species is coastal marsh, with greatest densities in fresh marsh, brackish marsh, and natural and artificial impoundments. Of occupied habitats in Georgia, about 60 percent are coastal and inland marshes, with the remaining 40 percent in perennial swamps and reservoirs. Alligator habitat in Alabama and Mississippi is similar to that in Georgia, with large populations in marsh and swampland areas along the coast and disjunct populations located inland. Arkansas has a few peripheral populations in the south central part of the State associated with lakes and streams. Oklahoma has a few

individuals located on the periphery of the Little River drainage in the southeastern part of the State.

Wetlands throughout the alligator's range have been reduced. Productive marsh habitats have and continue to be lost due to a variety of causes, and residential development on and near wetlands increases the probability of conflict between humans and alligators. However, the Service believes that habitat losses are insignificant when compared to the total amount of alligator habitat. Overall, the alligator occupies some 14 million acres (5,668,016 hectares) of various wetland types. Previously cited references involving reclassification of the alligator indicate that habitat in Louisiana, Texas, and Florida will remain abundant in the foreseeable future. Furthermore, Federal and State agencies manage and protect large amounts of alligator habitat.

State agencies have applied different combinations of planning strategies which have improved the biological status of the alligator throughout a majority of suitable habitat in the Southeast. Some of these strategies have included (1) greater penalties for illegal harvest, (2) assigning personnel to handle nuisance complaints and to relocate problem alligators, (3) prohibiting harvest on State lands, (4) restricting and controlling harvest on State lands based on survey and population data, (5) purchasing and/or protecting wetland habitats, (6) educating private land owners on the economic and social benefits of maintaining and enhancing alligators and their habitats, and (7) continual monitoring and research of alligator populations.

**B. Overutilization for commercial, recreational, scientific, or educational purposes.** Overharvest due to commercial demand for alligator products was responsible for population declines in accessible habitats during the 1950's and 1960's. This problem was reversed primarily through a more effective protective mechanism brought about by the Lacey Act Amendment of 1969 which prohibited interstate commerce in illegally taken reptiles and their parts and products. This law provided Federal authority for dealing effectively with illegal activities in the market system. The Endangered Species Act of 1973 added heavy penalties which further enhanced the control of illegal taking. Additionally, vigorous enforcement by State and Federal authorities has been effective in controlling the illegal taking of

alligators. Because of these actions, the number of alligators generally increased during the late 1970's and 1980's (Table 1).

**TABLE 1.—RESULTS OF SOUTHEASTERN COOPERATIVE ALLIGATOR SURVEY FOR ALABAMA, ARKANSAS, GEORGIA, MISSISSIPPI, AND SOUTH CAROLINA. DATA FROM CHABRECK (1984).**

Year	Total alligators observed	Average number alligators seen/mile
1972.....	2584	3.95
1973.....	1492	3.89
1974.....	875	2.25
1975.....	1308	3.46
1976.....	1164	2.37
1977.....	1130	4.29
1978.....	1275	4.64
1979.....	2356	8.75
1980.....	2582	4.30
1981.....	3361	8.63
1982.....	3797	9.54

A comparison between 1972–1976 and 1977–82 of the average number of alligators observed per mile indicates a 110 percent increase (3.18 vs. 6.69, respectively).

Variation in results presented in Table 1 (e.g., drop in the average number of alligators seen/mile during one year after a steady increase) probably reflects behavioral responses of alligators (e.g., reduced activity) to environmental conditions rather than decreases in the number of alligators at a given site (see Woodward and Marion 1978, for factors affecting night counts).

The number of large (in excess of six feet) alligators also increased dramatically after 1977 (Table 2).

**TABLE 2.—A COMPARISON OF LARGE ALLIGATORS/MILE BEFORE 1977 AND 1977–82. DATA FROM CHABRECK (1984).**

State	1972–1977	1977–1982	Percent change
AL.....	.21	2.25	+1000
AR.....	.38	.39	+3
GA.....	.84	1.58	+88
MS.....	.29	.24	-24
SC.....	.12	1.96	+1633

In addition to night surveys associated with the Southeastern Cooperative Alligator Survey, many additional night surveys have been conducted in North Carolina, South Carolina, and Georgia. Some nest surveys have also been done in South Carolina and Georgia. All of this work indicates stable or increasing alligator populations in these States. For example, Murphy and Coker (1983 a and b) showed an overall increasing trend in South Carolina alligator populations from 1976 through 1983. Furthermore, data show healthy rates of nesting, hatchling survival,

and recruitment in South Carolina (Murphy and Wilkinson 1982), North Carolina (Doerr 1983), Georgia (Ruckel 1981a and 1981b), and Alabama (Chabreck 1980).

Since alligators will continue to be classified as threatened due to similarity of appearance, future taking for whatever purpose will continue to be regulated by controls established in the Endangered Species Act. Further, the commercial harvest and taking of alligators is regulated by the Service's special rule on American alligators (50 CFR 17.42(a)), and the export of alligators and their hides, meat, and parts is regulated under the provisions of CITES.

Based on the combined experiences in sustained yield and nuisance control harvests in Louisiana, Florida, and Texas, methods are now available to design harvests so that alligator populations are not negatively affected (Taylor and Neal 1984).

*C. Disease or predation.* Like most wildlife, alligators are susceptible to various types of disease and predation, but these factors do not appear to threaten the species.

*D. The inadequacy of existing regulatory mechanisms.* Existing regulations governing take and commerce have successfully dealt with the original basis for listing the American alligator as endangered. The same framework of controls which now governs take and commerce in Florida, Louisiana, and Texas will operate in the remainder of the species' range. The following laws and regulations deal specifically with taking, commerce, and export: (1) The 1969 Amendment to the Lacey Act, which extended enforcement authority to interstate movement of reptiles and their parts; (2) the Endangered Species Act of 1973, which authorizes the special rules for alligators classified as threatened due to similarity of appearance, governs taking and commerce in alligators; (3) the annual export findings of the Scientific and Management Authorities of the Service, which govern export of species, including the American alligator, which is listed in Appendix II of CITES.

States may not authorize take of alligators or the commercial use of alligator parts except in accordance with conditions set forth in the special rule on American alligators (50 CFR 17.42(a)). Further, the annual findings of the Scientific and Management Authorities under CITES for export of Appendix II species are conditioned by a determination on a State's management and regulatory framework with regard to management and conservation of such species.

Guidelines developed for SA advice on exports of alligators under the provisions of CITES Article II.2(a) have been revised to conform with the 1982 Amendments to the Endangered Species Act (see 48 FR 16494; April 1983).

Although this reclassification removes the American alligator from an endangered or threatened status, federally enforced laws and regulations remain in place. These require that any harvest options by States meet certain minimum conditions to insure against a recurrence of the original problem which prompted listing, i.e., excessive take.

*E. Other natural or manmade factors affecting its continued existence.* Although

factors such as nest flooding or drought may affect alligators, none of these natural factors are known to limit populations on a large scale and they are not expected to pose a threat to the species in the future.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in making this rule final. Based on this evaluation, the preferred action is to reclassify the American alligator in the remainder of its range to threatened due to similarity of appearance. Criteria for reclassification of a threatened or endangered species are found at 50 CFR 424.11(d). They include extinction, recovery of the species, and original data for classification in error. This proposal is based upon evidence that the species is not biologically threatened.

### Similarity of Appearance

Section 4(e) of the Endangered Species Act authorizes the treatment of a species as an endangered or threatened species even though it is not otherwise listed as endangered or threatened, if it is found: (a) That the species so closely resembles in appearance an endangered or threatened species that enforcement personnel would have substantial difficulty in differentiating between listed and unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the endangered or threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the Act.

The American alligator is listed in Appendix II of CITES to respond both to problems of potential threat to the survival of American alligators [CITES Article II.2(a)] and similarity in appearance to other crocodilians that are threatened with possible extinction [CITES Article II.2(b)].

Although biologists can readily distinguish live alligators from other crocodilians that are listed under the Act, enforcement personnel could have considerable difficulty in making correct species identification, which could hamper enforcement efforts. In addition, small parts and products of processed crocodilian leather are nearly impossible to distinguish when made into goods, thus hampering the identification of legal alligator products from those of endangered or threatened crocodilians. Problems with identification could increase illegal trade in endangered crocodilian products, further jeopardizing these species.

By listing the American alligator under the similarity of appearance provisions of the Act, coupled with the special rules for American alligators as specified in § 17.42, the Service believes

that enforcement problems can be minimized, while at the same time, the conservation of listed populations of crocodilians can be ensured. The similarity of appearance provisions of the Act have proven effective in Florida, Louisiana, and Texas.

### Critical Habitat

Critical habitat for the American alligator was not designated at the time of listing and has not been since designated. Therefore, this final rule will have no effect on critical habitat for this species.

### Effects of Rule

This rule changes the status of the alligator throughout the remainder of its range from its current status of endangered or threatened to a status of threatened due to similarity of appearance. It is a formal recognition by the Service that the American alligator is biologically secure throughout its range. A final rule results in removal of Federal agency responsibilities under section 7 of the Endangered Species Act. No significant adverse effects on the status of the species are expected to occur from this removal.

This final rule makes available to States the option of expanding harvests of alligators to additional areas. If a State elects to expand its harvests, these harvests could be expected to increase at a level commensurate with development and implementation of the State research and management program. All taking and commerce in alligators and their parts and products would be regulated by the Service's special rule on American alligators (50 CFR 17.42(a)), as well as other applicable controls such as the Lacey Act (18 U.S.C. 42), which prohibits interstate commerce in illegally taken wildlife or their products, and CITES which regulates the export of alligators and their hides, meat, and parts.

Increased harvest of alligators is expected to result in an increased volume of alligator exports, although the magnitude of this increase cannot be predicted at this time. The Service has previously expressed its concern about the effects of increased exports on other endangered crocodilians found in international trade. International trade in alligator products is presently subject to the restrictions of CITES, the Service's implementing regulations (50 CFR Part 23) and general wildlife exportation requirements (50 CFR Part 14). Previous determinations by the Service's Scientific and Management Authorities have concluded that export of alligators taken in Louisiana, Florida,

and Texas would not be detrimental to the survival of the alligator or other endangered crocodilians. The Service will continue to review any possible impact and take appropriate action if evidence indicates that restrictions are warranted. This action is not an irreversible commitment on the part of the Service. The action is reversible and relisting is possible if the status of the species changes or if States materially change their plans or actions in a way that may threaten the species. The Service will continue to monitor and review the States' management programs.

Should the final rule to reclassify the American alligator throughout the remainder of its range to threatened due to similarity of appearance be approved, the additional States will find that the change in Federal laws controlling this species has made their alligators eligible for harvest and commerce. A State seeking to begin a harvest program for export purposes under CITES should provide biological and management information as described in the September 2, 1986, *Federal Register* (51 FR 31130) to enable the Service to consider issuing SA and MA findings.

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* on October 25, 1983 (48 FR 49244).

#### References

The following documents were used in the preparation of this rule. These and other documents supplying background information, including all unpublished

data, are on file at the Service's Jackson Endangered Species Field Station (see "ADDRESSES" section):

- Chabreck, R.H. 1980. Status of the American alligator in Baldwin and Mobile Counties, Alabama. Unpublished manuscript, Louisiana State University, Baton Rouge. 72 pp.
- Chabreck, R.H. 1984. Cooperative Surveys of the American Alligator in the Southeastern United States, 1974-1982. Unpublished data, Louisiana State University, Baton Rouge.
- Doerr, P. 1983. Status of the American Alligator in North Carolina. North Carolina State University, Raleigh, Project E-1, Study I. May 1978-Oct. 1983. 494 pp.
- Lewis, D. 1984. Night count summaries and alligator habitat for Mississippi. Unpublished Data, Mississippi Dept. of Wildlife Conservation, Jackson.
- Murphy, T.M. 1982. Size at Sexual Maturity of Male Alligators in South Carolina. South Carolina Wildlife and Marine Resources Department. Unpublished manuscript, 21 pp.
- Murphy, T.M., and J.W. Coker. 1983a. Night Spotlight Counts of Alligators in South Carolina. South Carolina Wildlife and Marine Resources Department, Unpublished manuscript. 35 pp.
- Murphy, T.M., and J.W. Coker. 1983b. American Alligator Population Studies In South Carolina. South Carolina Wildlife and Marine Resources Department Study Completion Reports. Unpublished manuscript, 115 pp.
- Murphy, T.M., and P.M. Wilkinson. 1982. American Alligator Investigation Management Recommendations and Current Research. South Carolina Wildlife and Marine Resources Dept. Unpublished manuscript, 90 pp.
- Ruckel, S. 1981a. Productivity of Alligators in Georgia. Final Report. Georgia Game and Fish Division, Project E-1, Study 17, 18 pp.
- Ruckel, S. 1981b. Distribution of Alligators in Georgia. Final Report. Georgia Game and Fish Division, Project E-1, Study 17, 6 pp.
- Ruckel, S. 1984a. Georgia alligator spotlight survey results, 1973-1984. Unpublished data, Georgia Game and Fish Division, Atlanta.
- Ruckel, S. 1984b. Estimated wetland acreage occupied by alligators in Georgia.

Unpublished data, Georgia Game and Fish Division, Atlanta.

- Ruckel, S. 1984c. Characteristics of nuisance alligators captured and relocated in Georgia, 1980-83. Unpublished manuscript, Georgia Game and Fish Division, Atlanta.
- Taylor, D., and W. Neal. 1984. Management implications of size-class frequency distributions in Louisiana alligators. *Wildl. Soc. Bull.* 12:312-319.
- Woodward, A.R., and W.B. Marion. 1978. An evaluation of factors affecting nightlight counts of alligators. *Proc. Ann. Conf. S.E. Assoc. Fish and Wildlife Agencies* 32:291-302.

#### Author

The primary author of this final rule is Mr. Wendell Neal of the Service's Jackson Endangered Species Field Station (see ADDRESSES section).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

#### Regulations Promulgation

#### PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

**Authority:** Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. (97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by replacing all entries of the American alligator under "Reptiles" in the List of Endangered and Threatened Wildlife with the following entry:

#### § 17.11 Endangered and threatened wildlife.

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
REPTILES							
Alligator, American	<i>Alligator mississippiensis</i>	Southeastern U.S.A.	Entire	T(S/A)	1, 11, 20, 47, 51, 60, 113, 134, 186, 269.	NA	17.42(a)

3. Revise § 17.42(a) to read as follows:

#### § 17.42 Special rules-reptiles.

(a) American alligator (*Alligator mississippiensis*)—(1) *Definitions.* For purpose of this paragraph (a): "American alligator" shall mean any member of the species *Alligator*

*mississippiensis*, whether alive or dead, and any part, product, egg, or offspring thereof found in captivity or the wild.

(2) *Taking.* No person may take any American alligator, except:

(i) Any employee or agent of the Service, any other Federal land management agency, or a State

conservation agency, who is designated by the agency for such purposes, may, when acting in the course of official duties, take an American alligator.

(ii) Any person may take an American alligator in the wild, or one which was born in captivity or lawfully placed in captivity, and may deliver, receive,

carry, transport, ship, sell, offer to sell, purchase, or offer to purchase such alligator in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity in accordance with the laws and regulations of the State of taking subject to the following conditions:

(A) Any hide of such alligator may be sold or otherwise transferred only in compliance with paragraph (a)(2)(ii)(C) of this section;

(B) Any hide, meat or other part may be sold or otherwise transferred only in accordance with the laws and regulations of the State in which the taking occurs and the State in which the sale or transfer occurs;

(C) The State of taking requires hides to be tagged by State officials, or under State supervision, with a Service

approved tag, a sample of which must be on file in the Federal Wildlife Permit Office (FWPO), that:

(1) Is made of permanent material,

(2) Shows State of origin, year of take, species, and is serially unique, and

(3) Cannot be opened and reused once attached to the hide.

(iii) Import/Export. Any person may import or export hides, manufactured products, meat or other parts in accordance with Part 23 of this chapter.

(iv) Recordkeeping

(A) Any person not holding an import/export license issued by the Service under § 14.91 and who imports, exports, or obtains permits under Part 23 for the import or export of American alligator shall keep such records as are otherwise required to be maintained by all import/export licensees under

§ 14.93(d). Such records shall be maintained as in the normal course of business, reproducible in the English language, and retained available for Service inspection for 5 years from the date of each transaction.

(B) Subject to applicable limitations of law, duly authorized Service officers at all reasonable time shall, upon notice, be afforded access to examine such records required to be kept under paragraph (a)(2)(iv)(A)(1) of this section, and an opportunity to copy such records.

\* \* \* \* \*  
Dated: May 29, 1987.

**Susan Recce,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 87-12806 Filed 6-3-87; 8:45 am]

BILLING CODE 4310-55-M